IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23187 of 2004

Between:

S. Rajani Kumari D/o Satyavardhana Rao
R/o Kondamanjuluru J Pangulur (M), Prakasam District

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole
2 Revenue Divisional Officer, Ongole, Prakasam District
3 Mandal Revenue Officer, I Pangulur (M), Prakasam District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the order of the 1st respondent in Rc. CS2/3875/2004 dt 3-10-2004 is illegal, irregular and violative of Art 14 and 21 of the constitution of India and AP State Public Distribution System (Control) Order 2001 and set a side the same and consequently direct the respondents to continue the petitioner as fair price shop dealer pending disposal of the enquiry before the 2nd respondent in the interests of justice and pass such other order or orders.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a fair price shop dealer. The 2nd respondent suspended the authorization of the petitioner on the basis of certain allegations. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent. The 1st respondent, in turn, remanded the matter to the 2nd respondent for detailed enquiry and directed him not to appoint any temporary dealer. Petitioner seeks appropriate directions to enable her to continue as dealer.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner availed the remedy of appeal before the 1st respondent. The appeal was disposed of with the following directions:

> *"In these circumstances, the matter is remanded to the Revenue Divisional Officer, Ongole for detailed*
>
> *enquiry and to dispose off case within two weeks after giving reasonable opportunity of personal hearing to the appellant. He is also directed not appoint any temporary dealer to avoid further court litigations."*

From this, it is not evident as to whether the order under appeal is set aside or affirmed. The occasion to remand the matter by an appellate authority would arise only when the order under appeal is set aside. Through the order passed by the 1st respondent is not clear, the fact that he directed the 2nd respondent to dispose of the matter within two weeks and directed him not to appoint any temporary dealer, indicates that the petitioner can be continued as dealer in the meanwhile. Further,

the charges against the petitioner are not so serious as to warrant suspension.

Hence, the writ petition is disposed of directing that the petitioner shall be entitled to continue as dealer, pending disposal of the proceedings by the 2nd respondent. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 14th December, 2004

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To

1 The Joint Collector, Prakasam District at Ongole
2 Revenue Divisional Officer, Ongole, Prakasam District
3 Mandal Revenue Officer, I Pangulur (M), Prakasam District

4 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

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